

**CONTRACT #2**  
**RFS # 321.01-999**

**Department of General  
Services**

**VENDOR:**  
**Metropolitan Transit  
Authority (MTA)**

## REQUEST: NON-COMPETITIVE AMENDMENT

RECEIVED

APR 30 2007

FISCAL REVIEW

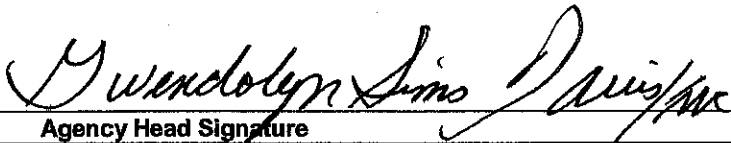
APPROVED

Commissioner of Finance &amp; Administration

Date:

EACH REQUEST ITEM BELOW MUST BE DETAILED OR ADDRESSED AS REQUIRED.

1) RFS #	321.01-999	
2) State Agency Name :	Department of General Services	
<b>EXISTING CONTRACT INFORMATION</b>		
3) Service Caption :	State Employee Transit Card (Swipe & Ride) Program	
4) Contractor :	Metropolitan Transit Authority	
5) Contract #	GU-07-03480-00	
6) Contract Start Date :	October 2, 2006	
7) <u>Current</u> Contract End Date IF <u>all</u> Options to Extend the Contract are Exercised :	June 30, 2007	
8) <u>Current</u> Total Maximum Cost IF <u>all</u> Options to Extend the Contract are Exercised :	\$1,000,000.00	
<b>PROPOSED AMENDMENT INFORMATION</b>		
9) <u>Proposed</u> Amendment #	1	
10) <u>Proposed</u> Amendment Effective Date : (attached explanation required if date is < 60 days after F&A receipt)	July 1, 2007	
11) <u>Proposed</u> Contract End Date IF <u>all</u> Options to Extend the Contract are Exercised :	June 30, 2008	
12) <u>Proposed</u> Total Maximum Cost IF <u>all</u> Options to Extend the Contract are Exercised :	\$2,000,000.00	
13) Approval Criteria : (select one)	<input type="checkbox"/> use of Non-Competitive Negotiation is in the best interest of the state <input checked="" type="checkbox"/> only one uniquely qualified service provider able to provide the service	
14) Description of the Proposed Amendment Effects & Any Additional Service :		
This request is for a one year extension of the current nine (9) month transit card contract.		
15) Explanation of Need for the Proposed Amendment :		
This service reduces traffic, provides more parking, and offers an economic benefit to State employees that work in the downtown area. Therefore, the department is recommending continuation of the "Swipe & Ride" program with MTA which allows State employees with		

State ID badges, in lieu of paying cash fares, access to MTA bus services when commuting to and from work.		
<b>16) Name &amp; Address of Contractor's Current Principal Owner(s) :</b> ( <u>not</u> required if proposed contractor is a state education institution)		
Paul Ballard, Chief Executive Officer, Metropolitan Transit Authority, 130 Nestor Street, Nashville, TN 37210		
<b>17) Documentation of Office for Information Resources Endorsement :</b> (required <u>only</u> if the subject service involves information technology)		
<b>select one:</b>	<input checked="" type="checkbox"/> Documentation Not Applicable to this Request	<input type="checkbox"/> Documentation Attached to this Request
<b>18) Documentation of Department of Personnel Endorsement :</b> (required <u>only</u> if the subject service involves training for state employees)		
<b>select one:</b>	<input checked="" type="checkbox"/> Documentation Not Applicable to this Request	<input type="checkbox"/> Documentation Attached to this Request
<b>19) Documentation of State Architect Endorsement :</b> (required only if the subject service involves construction or real property related services)		
<b>select one:</b>	<input checked="" type="checkbox"/> Documentation Not Applicable to this Request	<input type="checkbox"/> Documentation Attached to this Request
<b>20) Description of Procuring Agency Efforts to Identify Reasonable, Competitive, Procurement Alternatives :</b>		
<p>In September 2006 the department received approval to use a non-competitive negotiation procurement method to begin a new transit card program whereby State employees are issued an ID card and are eligible to ride to and from State offices and the State picks up the cost. Tennessee is one of the first state governments to offer such a program to its employees. This new service utilizes a system predicated on State employees swiping an official, passenger identification card through the card reader located on the fare box on board every MTA vehicle. The passenger ID card is provided by MTA and must be swiped on every boarding. Any passenger, who swipes an identification card which is not recognized by the fare box, or is listed as invalid, will be required to pay an appropriate fare. During the first three months of the "Swipe &amp; Ride" program, there was a monthly average of nearly 23,394 passenger boardings and it is anticipated that a monthly minimum of 23,400 passenger boardings will be maintained.</p>		
<b>21) Justification for the Proposed Non-Competitive Amendment :</b>		
<p>The exclusive management, control, and regulation of the operation of the public transportation system of the Metropolitan Government of Nashville and Davidson County is vested in MTA by Appendix IV of the Charter of the Metropolitan Government of Nashville and Davidson County. In addition, the State currently has a contract with MTA for the provision of morning and afternoon shuttle bus service to State employee parking lots when government offices are open in downtown Nashville. We believe the current contractor has a proven track record and is uniquely qualified in providing accessible and convenient county wide bus services for State employees. The department is of the opinion that under present circumstances it would be in the best interest of the State and its employees to continue operation of the "Swipe &amp; Ride" program with MTA.</p>		
<b>REQUESTING AGENCY HEAD SIGNATURE &amp; DATE :</b> ( <u>must</u> be signed & dated by the <u>ACTUAL</u> procuring agency head as detailed on the Signature Certification on file with OCR— signature by an authorized signatory will be accepted only in documented exigent circumstances)		
<div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="flex: 1;">  </div> <div style="flex: 0.2; text-align: center;"> <p style="font-size: 1.5em;">4/25/07</p> </div> </div>		
<b>Agency Head Signature</b>	<b>Date</b>	



Nashville  
Metropolitan  
Transit  
Authority

[www.nashvillemta.org](http://www.nashvillemta.org)

130 Nestor Street  
Nashville, TN 37210-2124  
615-862-5969  
615-862-6208 Fax

Bill Purcell  
Mayor

Paul J. Ballard  
Chief Executive Officer

Board of Directors

Lewis Lavine  
Chair

Gail Carr Williams  
Vice Chair

William L. Barnes  
Member

E.L. Collins  
Member

Marian T. Ott  
Member

September 20, 2006

Terry T. Hill  
Service Contract Coordinator  
State of Tennessee  
Department of General Services  
23<sup>rd</sup> Floor, William R. Snodgrass Tennessee Tower  
312 8<sup>th</sup> Avenue  
Nashville, TN 37243

Dear Ms. Hill:

This letter explains the relationship between the Nashville Metropolitan Transit Authority ("MTA") and the Metropolitan Government of Nashville and Davidson County ("Metro"). MTA is considered a government entity in that it is a component unit of Metro as a result of the significant financial support provided by Metro. However, MTA is not a Metro Department nor is it primarily accountable to Metro. MTA is governed by a separate Board of Directors, which is appointed by the Metro Mayor and approved by Metro Council. MTA is also financially assisted by the U.S. Department of Transportation, Federal Transit Authority and the Tennessee Department of Transportation.

Sincerely,

Edward W. Oliphant  
Chief Financial Officer

EWO/ya

RECEIVED  
2006 OCT -6 AM 9:07  
DEPT. OF GENERAL SERVICES

**AMENDMENT ONE  
TO CONTRACT GU-07-03480-00**

This CONTRACT, by and between the State of Tennessee, DEPARTMENT OF GENERAL SERVICES, hereinafter referred to as the State, and METROPOLITAN TRANSIT AUTHORITY, hereinafter referred to as the CONTRACTOR, is hereby amended as follows:

1. Delete Section B.1. in its entirety and insert the following in its place:

B.1. Contract Term. This Contract shall be effective for the period commencing on October 2, 2006 and ending on June 30, 2008. The State shall have no obligation for services rendered by the Contractor which are not performed within the specified period.

2. Add the following as Section B.2 and renumber any subsequent sections as necessary:

B.2. Term Extension. The State reserves the right to extend this Contract for an additional period or periods of time representing increments of no more than one year and a total Contract term of no more than five (5) years, provided that such an extension of the Contract term is effected prior to the current, contract expiration date by means of an amendment to the Contract. If the extension of the Contract necessitates additional funding beyond that which was included in the original Contract, the increase in the State's maximum liability will also be effected through an amendment to the Contract, and shall be based upon rates provided for in the original Contract.

3. Delete Section C.1 in its entirety and insert the following in its place:

C.1. Maximum Liability. In no event shall the maximum liability of the State under this Contract exceed Two Million Dollars (\$2,000,000.00). The Service Rates in Section C.3 shall constitute the entire compensation due the Contractor for the Service and all of the Contractor's obligations hereunder. The Service Rates include, but are not limited to, all applicable taxes, fees, overheads, and all other direct and indirect costs incurred or to be incurred by the Contractor.

The Contractor is not entitled to be paid the maximum liability for any period under the Contract or any extensions of the Contract for work not requested by the State. The maximum liability represents available funds for payment to the Contractor and does not guarantee payment of any such funds to the Contractor under this Contract unless the State requests work and the Contractor performs said work. In which case, the Contractor shall be paid in accordance with the Service Rates detailed in Section C.3. The State is under no obligation to request work from the Contractor in any specific dollar amounts or to request any work at all from the Contractor during any period of this Contract.

The other terms and conditions of this CONTRACT not amended hereby shall remain in full force and effect.

**IN WITNESS WHEREOF:**

**METROPOLITAN TRANSIT AUTHORITY:**

---

**PAUL BALLARD, CHIEF EXECUTIVE OFFICER**

**DATE**

---

**PRINTED NAME AND TITLE OF CONTRACTOR SIGNATORY**

**DEPARTMENT OF GENERAL SERVICES:**

---

**GWENDOLYN SIMS DAVIS, COMMISSIONER**

**DATE**

**APPROVED:**

**DEPARTMENT OF FINANCE AND ADMINISTRATION:**

---

**M. D. GOETZ, JR., COMMISSIONER**

**DATE**

**COMPTROLLER OF THE TREASURY:**

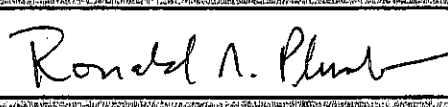
---

**JOHN G. MORGAN, COMPTROLLER OF THE TREASURY**

**DATE**

# CONTRACT SUMMARY SHEET

021406

<b>RFS #</b>				<b>Contract #</b>			
321.01-999				GU-07-03480-00			
<b>State/Agency</b>				<b>State/Agency Division</b>			
Department of General Services				Office of Administrative Services			
<b>Contractor Name</b>				<b>Contractor ID# (FEIN or SSN)</b>			
Metropolitan Transit Authority				<input checked="" type="checkbox"/> C- or <input type="checkbox"/> V- 621516937-00			
<b>Service Description</b>							
State Employee Transit Card Program							
<b>Contract BEGIN Date</b>		<b>Contract END Date</b>		<b>Subrecipient or Vendor?</b>		<b>CFDA #</b>	
October 2, 2006		June 30, 2007		Vendor			
<b>Mark Each TRUE Statement</b>							
<input checked="" type="checkbox"/> Contractor is on STARS				<input checked="" type="checkbox"/> Contractor's Form W-9 is on file in Accounts			
<b>Allotment Code</b>		<b>Cost Center</b>		<b>Object Code</b>		<b>Fund</b>	
321.01		MTA		079		11	
<b>FY</b>		<b>State</b>		<b>Federal</b>		<b>Interdepartmental</b>	
2007						\$ 1,000,000.00	
						\$ -	
						\$ -	
						\$ -	
						\$ -	
						\$ -	
<b>TOTAL</b>		\$ -		\$ -		\$ 1,000,000.00	
<b>COMPLETE FOR AMENDMENTS ONLY</b>				<b>State Agency Fiscal Contact &amp; Telephone #</b>			
<b>FY</b>		<b>Base Contract &amp; Prior Amendments</b>		<b>THIS Amendment ONLY</b>		Ron Plumb, 532-7272	
						<b>State Agency Budget Officer Approval</b>	
							
<b>Funding Certification</b> (certification required by T.C.A., § 9-4-5113, that there is a balance in the appropriation from which the obligated expenditure is required to be paid that is not otherwise encumbered to pay obligations previously incurred)							
<b>TOTAL</b>		\$ -		\$ -			
<b>End Date</b>							
<b>Contractor Ownership</b> (complete only for base contracts with contract# prefix FA or GR)							
<input type="checkbox"/> African American		<input type="checkbox"/> Person w/ Disability		<input type="checkbox"/> Hispanic		<input type="checkbox"/> Small Business	
<input type="checkbox"/> Asian		<input type="checkbox"/> Female		<input type="checkbox"/> Native American		<input checked="" type="checkbox"/> NOT disadvantaged	
						<input type="checkbox"/> OTHER minority/disadvantaged—	
<b>Contractor Selection Method</b> (complete for ALL base contracts—N/A to amendments or delegated authorities)							
<input type="checkbox"/> RFP		<input type="checkbox"/> Competitive Negotiation		<input type="checkbox"/> Alternative Competitive Method			
<input type="checkbox"/> Non-Competitive Negotiation		<input checked="" type="checkbox"/> Negotiation w/ Government (eg, ID, GG, GU)		<input type="checkbox"/> Other			
<b>Procurement Process Summary</b> (complete for Alternative Method, Competitive Negotiation, Non-Competitive Negotiation, OR Other)							

11/29/06

GU-07-03480-00

## CONTRACT SUMMARY SHEET

021406

<b>RFS#</b>		<b>Contract #</b>	
321.01-999		GU-07-03480-00	
<b>State Agency</b>		<b>State Agency Division</b>	
Department of General Services		Office of Administrative Services	
<b>Contractor Name</b>		<b>Contractor ID# (FEIN or SSN)</b>	
Metropolitan Transit Authority		X C- or V- 620694743-18	
<b>Service Description</b>			
State Employee Transit Card Program			
<b>Contract BEGIN Date</b>	<b>Contract END Date</b>	<b>Subrecipient or Vendor?</b>	<b>CFDA #</b>
October 2, 2006	June 30, 2007	Vendor	

<b>Mark Each TRUE Statement:</b>					
<input checked="" type="checkbox"/> Contractor is on STARS			<input checked="" type="checkbox"/> Contractor's Form W-9 is on file in Accounts		
<b>Allotment Code</b>	<b>Cost Center</b>	<b>Object Code</b>	<b>Fund</b>	<b>Funding Grant Code</b>	<b>Funding Subgrant Code</b>
321.01	MTA	079	11		
<b>FY</b>	<b>State</b>	<b>Federal</b>	<b>Interdepartmental</b>	<b>Other</b>	<b>TOTAL Contract Amount</b>
2007			\$ 1,000,000.00		\$ 1,000,000.00
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
<b>TOTAL</b>	\$ -	\$ -	\$ 1,000,000.00	\$ -	\$ 1,000,000.00

<b>COMPLETE FOR AMENDMENTS ONLY</b>			<b>State Agency Fiscal Contact &amp; Telephone #</b>
<b>FY</b>	<b>Base Contract &amp; Prior Amendments</b>	<b>THIS Amendment ONLY</b>	Ron Plumb, 532-7272
			<b>State Agency Budget Officer Approval</b>
			Ronald A. Plumb
			<b>Funding Certification</b> (certification required by T.C.A. § 9-4-5113 that there is a balance in the appropriation from which the obligated expenditure is required to be paid that is not otherwise encumbered to pay obligations previously incurred)
<b>TOTAL</b>	\$ -	\$ -	
<b>End Date</b>			

<b>Contractor Ownership</b> (complete only for base contracts with contract # prefix FA or GR)					
<input type="checkbox"/> African American	<input type="checkbox"/> Person w/ Disability	<input type="checkbox"/> Hispanic	<input type="checkbox"/> Small Business	<input checked="" type="checkbox"/> NOT disadvantaged	
<input type="checkbox"/> Asian	<input type="checkbox"/> Female	<input type="checkbox"/> Native American	<input type="checkbox"/> OTHER minority/disadvantaged		
<b>Contractor Selection Method</b> (complete for ALL base contracts—N/A to amendments or delegated authorities)					
<input type="checkbox"/> RFP	<input type="checkbox"/> Competitive Negotiation	<input type="checkbox"/> Alternative Competitive Method			
<input type="checkbox"/> Non-Competitive Negotiation	<input checked="" type="checkbox"/> Negotiation w/ Government (eg, ID, GG, GU)	<input type="checkbox"/> Other			

<b>Procurement Process Summary</b> (complete for Alternative Method, Competitive Negotiation, Non-Competitive Negotiation, OR Other)	
<div style="text-align: center;"> <p>OCT 11 2006</p> <p>DIRECTOR OF ACCOUNTS</p> </div>	

RECEIVED  
 OCT 11 2006  
 PM 1:16  
 SERVICES